

REMARKS

Applicant requests favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 1-34 that were pending in the application, claims 1-5, 7, 8, 12, 13, and 31-34 were rejected in the Office Action. Applicant appreciates the allowance of claims 14-18, 21, and 23-30 and the positive indication of allowable subject matter in claims 6 and 9-11. In response to this positive indication, claim 6 (*i.e.*, the claim from which claims 10 and 11 depend) and claim 9 have been amended to be in independent claim format and, therefore, claims 6 and 9-11 should be in condition for allowance. In addition, Applicant also amended claims 1, 12, 13, 19, 20, 22, 31, and 33 to overcome various formalistic objections. In addition, as claims 19, 20, and 22 depend from allowed claim 14, each of these dependents should be in condition for allowance. In light of the foregoing amendments, claims 1-34 are respectfully presented for further consideration.

1. Objections to Claims 12, 13, 19, 20, 22, and 33

The Examiner objected to claims 12, 13, 19, 20, 22, and 33 for various formalistic reasons, each of which has been fully obviated by way of the amendments made herein to these claims. Accordingly, a withdrawal of the objection to claims 12, 13, 19, 20, 22, and 33 is both warranted and earnestly solicited.

2. Rejections of Claims 1-5, 7, 8, 12, and 13

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,072,478 ("Regehr-I") and alternatively were rejected (along with claims 4, 5, 7, 8, 12, and 13) under 35 U.S.C. § 103(a) as allegedly being obvious when considering U.S. Patent No. 4,240,814 ("Regehr-II") in view of Regehr-I. For the following reasons, Applicant respectfully traverses these rejections.

As amended, claim 1 (*i.e.*, the claim from which claims 2-5, 7, 8, 12, and 13 depend) recites a drift eliminator that includes, among other possible things (*italic and underline emphasis added*):

a first plurality of air channel modules, each module comprising a plurality of air channels; and
at least one planar sheet positioned between two of the air channel modules,
wherein the drift eliminator is configured to remove at least about 99.99% by volume of entrained water in air, which flows through the air channels,

wherein the air channel modules are formed by a series of undulating sheets, and

wherein a last sheet of the first plurality of air channel modules is configured to nest in a primary sheet of a second plurality of air channel modules so that substantially no gap is formed between the last sheet and the primary sheet.

For at least the following reasons, Regehr-I and Regehr-II standing alone and/or combined fail to teach or suggest such a drift eliminator.

Neither Regehr-I nor Regehr-II teaches or suggests removing at least about 99.99% by volume of entrained water in air flowing through the air channels. As a result, neither Regehr-I nor Regehr-II teaches or suggests the above-underlined limitation of claim 1. For this reason alone, claim 1 (and each claim dependent thereon) is allowable over Regehr-I and Regehr-II (standing alone or combined). In addition, claim 1 is also allowable for at least the following additional reason.

In rejecting claim 1, the Examiner stated: "claim 1 is directed only to the first plurality of air channel modules, and limitations to the second plurality of air channel modules are not given patentable weight." Although Applicant agrees that claim 1 is "directed only to the first plurality of air channel modules," Applicant contests the implication that none the above-italicized limitation is entitled to patentable weight. Specifically, as expressly set forth in M.P.E.P. § 2173.05(g), functional limitations are entitled to patentable weight and "must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art[.]" As a result, the Examiner must give patentable weight to the structural feature of a last sheet of the first plurality of air channel modules configured to nest in a primary sheet of a similar (second) plurality of air channel modules.

With respect to the instant application, the ability to nest the left sheet 122 of a first (right) plurality of air channel modules 180 in the right sheet 124 of a second (left) plurality of air channel modules 160 is clearly shown in Figures 4 and 5 and discussed, *e.g.*, in ¶¶ [0054]-[0056]. The ability to nest various air channel modules allows each module to serve as a building block, thereby enabling an end user to construct an appropriately sized drift eliminator that does not suffer the drawbacks of the prior art discussed, *e.g.*, in ¶¶ [0004] of the instant application.

In contrast to the instant application (and that which is recited in claim 1), neither Regehr-I nor Regehr-II teaches or suggests an air channel module that is structurally configured to nest with another like air channel module. Moreover, although Regehr-I

teaches nested plates 2, the plates 2 are of one air channel module (as opposed to two air channel modules) and the plates 2 are, contrary to claim 1, not nested “so that substantially no gap is formed” therebetween (as their separation is necessary to create the air passages).

For at least the foregoing reasons, it is clear that neither Regehr-I nor Regehr-II teaches or suggests: (a) removing at least about 99.99% by volume of entrained water in air flowing through the air channels; or (b) an air channel module that is configured to nest with another like air channel module. As a result of these shortcomings, Regehr-I and Regehr-II (standing alone or combined) can not be used to reject claim 1, or any claim dependent thereon, under 35 U.S.C. §§ 102(b), 103(a). Moreover, as claims 2-5, 7, 8, 12, and 13 depend from claim 1, each of these dependent claims is also allowable over Regehr-I and Regehr-II, without regard to the other patentable limitations recited therein. Accordingly, a withdrawal of the rejections of claims 1-5, 7, 8, 12, and 13 under §§ 102(b), 103(a) is both warranted and earnestly solicited.

3. Rejections of Claims 31-34

Claims 31-34 were rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by Regehr-II. For the following reasons, Applicant respectfully traverses this rejection.

As amended, claim 31 (*i.e.*, the claim from which claims 32-34 depend) recites a light trap that includes, among other possible things (*italic emphasis added*):

at least two air channel modules each comprising a plurality of sheets
comprising at least a first sheet, a second sheet, and a third
sheet,
wherein each of the sheets comprises a series of troughs and peaks,
wherein the sheets are arranged such that the troughs of the first sheet
abut the troughs of the second sheet and the peaks of the second sheet abut the
peaks of the third sheet, to create a plurality of air channels, and
*wherein the sheets are formed such that a last sheet of a first air
channel module is configured to be nested in a primary sheet of a second air
channel module so that substantially no light may pass between the sheets or
through the air channels.*

For at least the following reasons, Regehr-II fails to teach or suggest such a light trap.

As previously discussed with respect to claim 1, Regehr-II fails to teach or suggest two air channel modules that are nestable. As claim 31 also recites nestable air channel modules, the same arguments previously set forth with respect to claim 1 are equally applicable to claim 31. In other words, as Regehr-II fails to teach or suggest the ability of “a last sheet of a first air channel module” to nest in “a primary sheet of a second air channel module”, Regehr-II can not be used to reject claim 31, or any claim dependent thereon, under

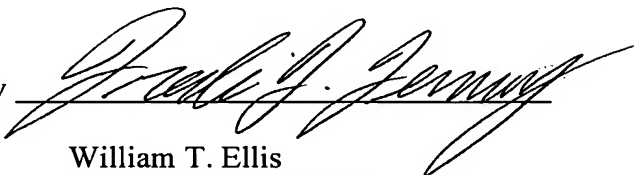
35 U.S.C. § 102(b). Moreover, as claims 32-34 depend from claim 31, each of these dependent claims is also allowable over Regehr-II, without regard to the other patentable limitations recited therein. As a result, a withdrawal of the rejection of claims 31-34 under § 102(b) is both warranted and respectfully requested.

CONCLUSION

For the aforementioned reasons, claims 1-34 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HERewith, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HERewith, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.